

## THIRTY-NINTH DAY.

SENATE CHAMBER,  
AUSTIN, February 25, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Stephens,

The reading of the Journal of Saturday was dispensed with.

## PETITIONS AND MEMORIALS.

By Senate Burney:

Memorial from thirty business firms of the city of San Antonio, opposing a railroad commission.

Referred to Committee on Internal Improvements.

Petition of forty-four citizens of Bexar county favoring a railroad commission.

Referred to Committee on Internal Improvements.

By Senator McDonald:

Petition of forty-one merchants and farmers of Blossom Prairie, Lamar county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Jarvis:

Petition of seventy-five citizens of Parker county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Allen:

Petition of citizens of Collin county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Tyler:

Protest of eighteen merchants and others of Hamilton, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Upshaw:

Petition of citizens of Ellis county, favoring a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Glasscock:

Petition of State, county and pre-

cinct officers of Williamson county, asking the Legislature to purchase and distribute Sayles' civil and Willson's criminal Texas Statutes.

Referred to Judiciary Committee No. 1.

By Senator Kimbrough:

Petition of the board of managers of the State Farmers' Alliance Exchange, favoring a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Field:

Petition of thirty-two citizens, merchants and business men of Calvert, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Ingram:

Petition of citizens of San Augustine county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Kimbrough:

Petition of fifty-two citizens of Kaufman, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Stephens:

Petition of county officers of Potter county, asking the Legislature to purchase and distribute Sayles' and Willson's Texas Statutes.

Referred to Judiciary Committee No. 1.

Petition of county officers of Wichita county, asking the Legislature to purchase and distribute Sayles' and Willson's Texas Statutes.

Referred to Judiciary Committee No. 1.

By Senator Cranford, by request:

Petition of citizens of Roberts, Hunt county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By request:

Petition of one hundred and ten citizens of Greenville, Hunt county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By request:

Petition of voters of Delta county, favoring a railroad commission.

Referred to Committee on Internal Improvements.

## REPORTS OF STANDING COMMITTEES.

By Senator Sims.

COMMITTEE ROOM,  
AUSTIN, February 25, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Judicial Districts, to whom was referred

Senate bill No. 242, entitled "An act to provide the time of holding district court in the Eighth judicial district of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

SIMS,  
Chairman.

Bill read first time.

By Senator Upshaw:

COMMITTEE ROOM,  
AUSTIN, February 25, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Internal Improvements, to whom was referred

Substitute House bills Nos. 6, 12, 25, 113, 182, 191, 239, a bill to be entitled "An act to correct abuses and to prevent discriminations and extortions in the rates of freight and passenger tariff on the different railroads in this State, to prevent pooling and to establish reasonable maximum rates of charges for the transportation of freight and passengers on said railroads; to prohibit railroad companies, corporations, lessees and receivers in this State from charging other than just and reasonable rates, and to provide adequate penalties for the violation of this act, and to provide rules of procedure and rules of evidence in relation thereto, and to create a railway commission for the State, prescribing their duties and conferring upon it powers to enforce this act and all laws of this State in relation to railroads,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be considered in connection with Senate bill No. 5 on the same subject.

All of which is respectfully submitted.

UPSHAW,  
Acting Chairman.

Bill read first time.

By Senator Abercrombie:

COMMITTEE ROOM,  
AUSTIN, February 23, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 294, entitled "An act to amend chapter 1, title 10, of the Code of Criminal Procedure of the State of Texas, by adding thereto article 850a,"

Which provides that where a person has been convicted of any felony, and has given notice of appeal, he may at any time after adjournment of the district court and before his appeal has been acted upon by the court of appeals, by his request in writing, acknowledged before the clerk of the court from which such conviction was had, withdraw his appeal,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ABERCROMBIE,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 23, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 290, entitled "An act to amend article 110, chapter 5, title 4, of the Penal Code of the State of Texas,"

Which bill provides that "any person who shall pursue or follow any occupation, calling or profession, or do any act taxed by law, without first obtaining a license therefor, shall be fined in any sum not less than the amount of taxes so due, and not more than double that sum, and it is provided that one sale of spirituous, vinous, or malt liquors to any person shall constitute an offense within the meaning of this act,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ABERCROMBIE,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 23, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 296, entitled "An act to amend article 391, chapter 1, title 12, of the Penal Code of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ABERCROMBIE,  
Chairman.

Bill read first time.

By Senator Field:

COMMITTEE ROOM,  
AUSTIN, February 23, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 170, entitled "An act to amend articles 186 and 186a of the Penal Code of the State of Texas, as amended by an act approved April 2, 1887, passed by the Twentieth Legislature, regulating sales on Sunday,"

Which bill seeks to prohibit sales on Sunday only between the hours of 9 o'clock in the forenoon and 4 o'clock in the afternoon,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass with the following amendment, to-wit:

Amend article 186a by inserting after the words "ice cream," in line 7, the words "soda water and other mineral waters."

All of which is respectfully submitted.

FIELD,  
Acting Chairman.

Bill read first time.

Senator Frank gave notice of his intention to file a minority report on Senate bill No. 170.

#### BILLS AND RESOLUTIONS.

By Senator Stephens:

A bill to be entitled "An act to further provide for the regulation of railway and express companies doing business in the State of Texas, and to

provide for the appointment of a railroad commission and a secretary, and to prescribe their salaries and duties."

Referred to the Committee on Internal Improvements.

By Senator Abercrombie:

A bill to be entitled "An act to amend title 8, chapter 5, of the Code of Criminal Procedure by adding article 661a."

[The bill seeks to provide that upon the trial of any felony case the judge of the court may in his discretion when in his judgment the same is necessary to meet the ends of justice, and for the purpose of preserving the evidence given on the trial of said case, employ a stenographer or other competent person to take down the testimony therein; the fees for which shall be the same as those allowed in civil cases, etc.]

Referred to Judiciary Committee No. 2.

Senator McDonald called up the resolution offered on February 20 by Senator Glasscock, viz:

*Resolved*, That on and after February 25, 1889, the Senate hold evening sessions, commencing at 2:30.

The resolution was adopted.

On motion of Senator Sims, Senator Woodward was excused for to-day, on account of important business.

Senate joint resolution No. 2, joint resolution to amend section 11, article 16, of the Constitution of the State of Texas,

Was laid before the Senate and read the second time with majority (unfavorable) and minority (favorable) report.

On motion of Senator Allen, the bill was made the special order for Friday, after morning call.

Senator Burges entered a motion to reconsider the vote by which

House bill No. 194, a bill to be entitled "An act to amend sections 2 and 6 of chapter 131, of an act to provide for the appointment of receivers and to define their powers and duties, and to regulate proceedings under such appointment of receivers, as passed by the Twentieth Legislature and approved April 2, 1887,"

Was passed to its third reading.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, February 25, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—I am directed to inform the Senate that the House has passed Senate bill No. 8, being "An act to amend section 14 of an act to amend articles 8 and 14 of an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said district, at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883; to create the Fortieth judicial district of the State of Texas, fix the time for holding court therein, and provide for the appointment of a district judge for said district, approved March 27, 1885; to create the Forty-fourth judicial district of the State of Texas, fix the times for holding court therein, and to provide for the appointment of a district judge for said district,"

Under a suspension of the constitutional rule, there being 60 yeas, 34 nays.

W. M. IMBODEN,  
Chief Clerk of the House.

HOUSE OF REPRESENTATIVES,  
AUSTIN, February 25, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—The House has passed under a suspension of the constitutional rule and by a two-thirds vote, there being 91 yeas, no nays,

House bill No. 557, a bill to be entitled "An act supplemental to and amendatory of an act passed at the present session of the Twenty-first Legislature, approved February 15, 1889, entitled an act to amend an act to designate what counties shall compose the Twenty-ninth judicial district of the State of Texas, and to fix the times of holding courts therein, approved March 30, 1887."

The House returns herewith

House bill No. 36, a bill to be entitled "An act to amend section 46, chapter 25 of the acts of 1885, entitled an act to amend chapter 79 of the acts of 1883, entitled an act to amend chapter 48 of the acts of 1887, an act to amend section 46 of an act to encourage stockraising and to protect stockraisers, approved April 22, 1879, and amended April 4, 1881, and April 12, 1883, and March 27, 1887," with proper

corrections on the engrossment of the same.

W. M. IMBODEN,  
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,  
AUSTIN, February 25, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—I am directed to inform the Senate that the House refuses to concur in the Senate amendment to substitute House bill No. 21, a bill to be entitled "An act to make valid and to confirm certain contracts of sale made by the Land Board of the State of Texas, made with divers persons for the sale of certain of the free school and asylum lands of the State of Texas, sold under the act of the Legislature of the State of Texas, approved April 12, 1883."

W. M. IMBODEN,  
Chief Clerk House of Representatives.

Senate bill No. 5, a bill to be entitled "An act to correct abuses and to prevent unjust discriminations and extortions in the rates of freight and passenger tariff on the different railroads in this State, to prevent pooling and to establish reasonable maximum rates of charges for the transportation of passengers and freight on said railroads; to prohibit railroad companies, corporations and lessees in this State from charging other than just and reasonable rates, and to provide adequate penalties for the enforcement of the same, and to prescribe a mode of procedure and rules of evidence in relation thereto, and also to create a board of railway commissioners, and to prescribe their powers and duties in relation to the same,"

Being the special order, was laid before the Senate and

Read the second time.

Senator Johnson moved to substitute for the bill just read

Substitute House bills Nos. 6, 12, 25, 113, 182, 191 and 239, a bill to be entitled "An act to correct abuses and to prevent discriminations and extortions in the rates of freight and passenger tariff on the different railroads in this State, to prevent pooling and to establish reasonable maximum rates of charges for the transportation of freight and passengers on said railroads; to prohibit railroad companies, corporations, lessees and receivers in this State from charging other than just and reasonable rates, and to provide adequate penalties for the violation of this act, and to provide rules of

procedure and rules of evidence in relation thereto, and to create a railway commission for the State, prescribing their duties and conferring upon it powers to enforce this act and all laws of this State in relation to railroads."

Senator Johnson spoke at length in favor of his motion and in favor of the bill.

The President referred

House bill No. 36 to the Committee on Stock and Stockraising.

House bill No. 557 to the Committee on Judicial Districts, and

House bill No. 290 to the Committee on Counties and County Boundaries.

On motion of Senator Burges, the Senate adjourned till 2:30 p. m.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Senator Claiborne, by leave, sent up a petition of the balance of the farmers of Galveston county, favoring a railroad commission.

Referred to Committee on Internal Improvements.

Pending Senator Johnson's motion to substitute substitute for House bills Nos. 6, 12, 25, 113, 182, 191 and 239 for Senator bill No. 5,

Senator McDonald made a strong argument against the bills.

Senator Davis sent up the following joint committee report and asked to have it printed in the Journal:

Report of the joint committee appointed to visit the State penitentiaries, farms, etc.

*Hon. T. B. Wheeler, President of the Senate, and Hon. F. P. Alexander, Speaker of the House of Representatives:*

GENTLEMEN—Your joint committee of the Senate and House, appointed under House concurrent resolution passed January —, 1889, to visit and examine the condition, management and operation of the penitentiaries, the State farm in Fort Bend county, and the different plantations on which

convicts are engaged, and as far as practicable the camps of those in the employ of the railroads, with a statement of the number of convicts now in the penitentiaries of the State, and the number hired out, the practicability of confining all such convicts in prison walls, the additional penitentiary room necessary to do so, the best manner of constructing the same, and the probable cost thereof; and in the event said committee find it impracticable to work all such convicts so as to prevent escapes and competition with the honest labor of the country, and to make a report of the same to the Legislature, together with such conditions and recommendations as they may deem fit and proper, and to examine into the propriety and advisability of constructing a sewer in connection with the penitentiary at Huntsville.

Your committee in keeping with said resolution at once held a meeting in House Committee Room No. 3, all the members being present. Hon. W. W. Davis, State Senator, was elected chairman and H. B. Fontaine, clerk.

Your committee decided first to visit the Rusk penitentiary and its adjunct, the coaling camp, and left Austin the night of the 31st of January and arrived at Rusk penitentiary at 1 p. m., February 1.

At 2 p. m. your committee held an informal meeting in the assistant superintendent's office, and upon motion the chair appointed a sub-committee, consisting of Messrs. Atlee, Parker and Brown, to examine the books of the financial agent and the rest of the committee to make a thorough examination of the workings of the prison in its various departments and to hear complaints, if any, of the convicts confined therein.

#### THE CHAPEL.

Your committee found this department presided over by Rev. J. C. Woolam, who seems fully alive to his responsibility and courteously explained his mode and manner of instruction for the spiritual welfare of the convicts, and expressed himself highly gratified at the seeming interest manifested by a large number of the convicts in the cause of spiritual reformation.

The chapel proper is 80x40 feet, with benches capable of seating comfortably six or eight hundred convicts, supplied with a good library, partial-

ly provided by the State, and the balance by private contributions. An organ also graced the hall, and your committee were informed that several convicts were capable of producing the highest order of church music. We found erected at one end of the building a stage with appropriate scenery, all the handiwork of the prison, which was used at intervals for the edification and amusement of the convicts.

#### THE KITCHEN.

This department was next visited by your committee, and upon close inspection are pleased to report that every part of same evidenced good management and cleanly attention.

The range amply large and of the best make and style, also an extra adjunct arranged close by its side, consisting of three large copper tanks for boiling meats, soups, etc., all operated by steam. The odor arising therefrom tempted the tasting qualities of the contents, which was found well seasoned, rich and palatable.

The coffee boiler is large and of most approved pattern, made expressly for large prisons, and your committee found the coffee made therein strong and good.

The bakery department is conducted admirably, evidencing a high degree of skill in this line, equal, if not superior, to many of our city bakeries. The bread is made in long loaves, weighing from six to eight ounces.

The meats and vegetables were well cooked, clean and savory.

#### DINING ROOM.

Your committee took occasion to visit this department while the convicts were at their meals and found everything in perfect order, the table and table ware clean, and food, as before described, in abundance.

#### STORE ROOMS.

This department disclosed the fact that the articles therein contained were of the best quality, consisting of sugar, molasses, coffee, meal, flour, beef, bacon and vegetables, presided over by a seemingly efficient steward.

#### ORCHARD.

Your committee only saw at a dis-

tance the orchard, but we were informed by Major Goree, superintendent, that it contained three or four thousand trees and was said to be the finest one in the State, which statement was corroborated by citizens and convicts, the latter stating that in season they had all the fruit they could consume.

#### THE FURNACE.

The "Old Alcalde" blast furnace is most certainly an object worthy of inspection, and to the general observer a grand spectacle with its immense cauldrons of melted ore, ever seething and bubbling from early morn till eventide, and all through the dark and dismal hours of the night its constant work of fiery liquidization still goes on. Attached thereto is an immense cupola possessing the modern appliances for a complete and successful utilization of the valuable ore that lies within such easy reach.

Your committee was informed by Manager Barrett, that the equipments generally worked satisfactory, and in some instances beyond his expectations, and to him alone is due great praise for his untiring zeal and energy in effecting such flattering results. Your committee had the pleasure of witnessing several runs of iron, from fourteen to fifteen tons at each run, an increase of near five tons beyond its contemplated capacity.

Mr. Parish, financial agent, informed your committee that this pig iron is in great demand, especially for stove purposes, and brings in the market an excess of from one dollar and fifty cents to three dollars per ton more than other pig iron from the St. Louis or other Northern markets.

#### PIPE FOUNDRY.

This valuable adjunct to the blast furnace is now in full operation, as was witnessed by your committee, the moulds, cases, travelers, heating and drying furnace for melting ore, all operate like clock-work, and perfect in equipment, a more thorough organized system seems impossible. The pipe made will run from three to twelve inches in diameter, and as your committee were informed and believe, of the best quality, and will eventually prove one of the most profitable branches of the iron industry. The convicts in this department seem full of life and energy, and the

skill and activity displayed by them your committee candidly assert cannot be surpassed by any private industry of like character in the country. The convicts engaged in this industry were all novices, and to Manager Barrett is due their perfected education. He appears unceasing in his efforts to stimulate them to further progress. This assertion is sustained by the convicts themselves, who seem deeply interested in their allotted tasks and cheerful withal, no dragging or lagging, but at it they go during the day as well as through the dreary hours of the night, the forces being divided day and night.

To the lovers of the beautiful a night visit to the blast furnace will repay them. When the runs are being made the heavens are lit up for miles around, which oftentimes allures visitors from the graphic city of Rusk to more nearly approach the grand spectacle. The exhaustive report of Superintendent Goree and Financial Agent Parish for the two years, ending October 31, 1888, contain all the necessary data and information as to the success of this furnace, and your committee respectfully refer same to your honorable bodies, having, as we think, verified the statements set forth in said reports by a critical personal examination, and we therefore cheerfully reiterate all that said reports contain relative to the workings and grand success of this portion of the iron industry at Rusk.

#### FOUNDRY.

This department is also in fine working order and evidences the same degree of skill, energy and activity as witnessed at the furnace. Your committee paid special attention to the casting of stoves, quite a number being cast in our presence, and we are satisfied will compare favorably with stoves made elsewhere, same style and pattern; but your committee were informed by Superintendent Goree that their manufacture has not proven very profitable, owing to much competition with eastern markets. Your committee were also shown several massive pillars, girders, etc., the product of this branch, which manager Barrett states are equal to work of like character made elsewhere and as to quality of iron superior.

#### MACHINE SHOPS.

The character of machinery in this

department seems to be of the latest improved make, limited in extent, however, and, as your committee are informed, inadequate to supply the frequent demands for various kinds of works. Manager Barrett has listed the character of machinery required to supply this deficiency, and estimates the cost of same at sixty-two thousand and seventy-five dollars, said list marked "Exhibit A," which is respectfully asked to be made a part of this report. With such additional machinery, Manager Barrett asserts, will enable him to give remunerative employment to three hundred more convicts inside the walls.

Your committee were also shown a number of very beautiful architectural designs for building fronts which, in the judgment of the superintendant and financial agent, will prove salable and remunerative. Your committee were also shown the massive cast iron bass pillows and mantels for the new furnace to be erected in New Birmingham, now nearly completed, weighing in the neighborhood of fifty tons, a gigantic piece of work and skillfully constructed.

#### HOSPITAL.

This department appeared admirably adapted for the purpose, being well ventilated clean and exceedingly comfortable in all its appointments.

The nurses seemed attentive and kindly disposed. Beds and bedding evidenced care and attention, and the inmates cheerfully expressed their thanks for the kindly care extended them. Your committee heard no complaints as to want of attention or unpalatable diet. Your committee's notice was called to two convicts, one white and the other colored, whose condition the physician, Dr. Jameson, pronounced incurable. The white man had been confined to his bed in a sitting posture for near seven months; disease consumption. The negro had been confined over twelve months; disease dropsy. The state derives no benefit whatever by their imprisonment, on the contrary they are a constant care and expense. Your committee, therefore, recommend that they be discharged, providing they have friends or relatives who will provide for them.

#### DISPENSATORY.

This department your committee found in charge of a very polite convict steward, and as we were informed by



the resident physician, was a regular graduate in pharmacy, who certainly, to the minds of your committee, appeared master of his profession—the medicines were arranged in the neatest order, tastefully labeled, evidencing constant attention.

The books kept in this department are worthy of mention, in which are recorded daily and nightly the character of medicine administered, the hour of taking and effect, which is done for the benefit of the physician in charge in making his daily rounds, a system complete in detail and well worthy of commendation.

#### CLOTHING.

Your committee found the convicts provided with warm and comfortable clothing, such as is required by law, and upon full investigation, heard no complaints on this score.

Your committee visited and thoroughly inspected the washing and bathing departments and found adequate facilities for the purpose, patent washers, wringers and bath tubs, cleanly in appearance and systematically arranged and governed.

The soap factory, your committee found presided over by a two hundred and twenty pound aged colored convict, with life sentence, who prided himself on being an expert soapist, which soap is manufactured without boiling, a new process worthy of our mention.

#### THE PRISON.

The prison is built of red sandstone, finely ventilated and lighted by electricity. The various cells, four tiers deep, were minutely inspected, and were found clean and comfortable, beds and bedding, walls and floors presented evidence of constant care, and upon an examination of convicts on this subject heard no complaints. Some of the cells appeared very neatly furnished, with pictures hanging upon the walls, and upon inquiry your committee were informed that this was allowed at the convicts' expense as a reward for good behavior. Your committee found the water supply ample and of good quality. It would be impossible for your committee to elaborate more fully upon the workings, condition, etc., of this prison for lack of time. We have simply endeavored to give a general outline of our examination, inspection and investigation of the prison, as per instructions set forth in concurrent resolution. We heartily

recommend this prison as a model one, statements to the contrary notwithstanding, and the people of Texas can proudly point to Rusk penitentiary (a necessary evil though it be) as first class in appointments, management and systematic workings, second to no institution of like character in the country.

In closing our report of this prison, your committee in conclusion will state that the inmates were given an opportunity to come forward and make their complaints with the positive assurance on our part that none should suffer for so doing. Several came, others were questioned by members of your committee en route through the various departments, and your committee are satisfied that the majority of complaints heard were trivial, all being afterwards enquired into by your committee by sworn testimony of managers and guards. The general complaint was punishment, such as the lash, dark cells, etc., and that they were punished upon false accusations, which, as your honorable body well knows, is very difficult to determine. However, your committee, in order to ferret out these complaints, examined officers and guards under oath upon charges made by convicts and found that the punishments were inflicted by proper authority for some violation of the rules, and upon reference to a book kept for this purpose were found duly recorded, date of punishment, character of same, upon what charge, and by whose authority, evidencing a thorough system. Not stopping at this, your committee interrogated many convicts (not trustys) on this subject, and invariably found that the convicts making complaints had the character of being unruly and violators of prison rules. Large numbers stated that they were humanely treated, well fed and clothed, and were never punished, assuring your committee that good behavior was a safeguard against punishment.

February 3. Your committee having concluded its labors at Rusk Penitentiary, left this day at 7:30 a. m. and arrived at the coaling camp, fifteen miles distant, at 12:30 p. m.

#### COALING CAMP.

This camp is situated fifteen miles south of Rusk on the Kansas and Gulf Southern Railroad. We found employed in this industry about two hundred convicts making charcoal to



operate the blast furnace. Upon inquiry we were informed by Superintendent Goree that it requires the wood from six acres of land per day, or about two thousand acres per annum to supply the necessary amount of charcoal to operate the furnace, which consumes daily from three to four thousand bushels, an item to contemplate of vast proportions.

The camp proper is situated on high land in full view of the surrounding country, and a few hundred yards from the main line of railroad, the locality well calculated, in your committee's judgment, for camp purposes, being dry and apparently healthy. Your committee found the buildings amply large, commodious and well ventilated, and while economical in structure, sufficiently capable of resisting escapes and insuring comfort to the inmates.

Your committee carefully inspected the prison, kitchen and dining rooms, and found each department admirably cared for.

Clean and systematically arranged, the range ample in size and cooking utensils presented proper care and attention.

Your committee found the food to be of good quality, well cooked, and of such character as is prescribed by law.

The clothing and bedding were also found to be warm and comfortable, and upon interrogating the convicts on these subjects, heard no complaints.

The sergeant in charge, Mr. Brown, appeared fully up to his duties, and upon inquiry we learned gives general satisfaction. Mr. Brown reports that the convicts work faithfully, and few, if any, attempt to escape. Your committee respectfully refer to Superintendent Goree's report as to the workings of this camp. The stock used at this camp consists of five horses (for guard purposes) twenty-seven mules and forty-four oxen, all of which appear in good condition, well fed and otherwise evidencing proper care and attention.

Your committee left the coaling camp at 4 p. m. and arrived at Huntsville at 5:20 a. m., February 4.

#### HUNTSVILLE PENITENTIARY.

The various departments of this vast institution were very closely inspected by your committee, consisting of

Blacksmith shop,  
Paint shop,  
Wagon and buggy shop,

Harness and trimming department,  
Boiler and machine shops,  
Tailor and shoe shops,  
Foundry,  
Wool and carding department,  
Chair department,  
Cloth and spinning factory, and  
Cabinet department.

It would be almost impossible, owing to the length of time and space allotted for your committee to elaborate fully upon each branch of this multitude of industries, but we do not hesitate in saying that the activity displayed by managers and convicts in these several departments evidence perfected management and the best of discipline, and in many instances the very highest order of skill. The articles manufactured appear of the best quality, both as to material and style and finish, and well worthy the patronage of a generous public.

Mr. Parish, financial agent, informs your committee that in introducing the various articles to the trade he is thrown in competition with other manufacturers, and he unhesitatingly asserts that the penitentiary products are equal, if not superior to many articles of like character that flood our markets, and this vast competition renders it necessary to solicit his prices that many articles now manufactured will soon be unremunerative. For further information on this point your committee respectfully refer to financial agent's report, which is full and comprehensive.

#### DINING ROOM AND KITCHEN.

In these particular departments your committee were very thorough in their examination and inspection, and found ample provision made in the culinary line. A range, large and accompanied with the necessary adjuncts for cooking purposes, such as boilers for making soup, cooking rice and other vegetables, etc.; also an immense coffee boiler. Marked signs of cleanliness was everywhere to be found. As at Rusk, your committee visited the dining rooms several times when the convicts were at meals and found them amply provided with good food, clean and rapidly served by numerous convict waiters, the tables and table ware in keeping with prison requirements and in cleanly order.

The provision department was systematically arranged and governed and of the best quality, such as flour, meal, bacon, beef, dried and green vegetables, molasses and sugar, the latter the product of Harlem plantation,

equal to articles of same grade made anywhere.

Your committee were also close inspectors of the hospital and dispensary, and are pleased to report that the sick and convalescent confined therein appear properly cared for. They themselves reported to your committee that the doctors and nurses were kind and attentive. The number of sick and otherwise disabled convicts at this prison were largely in excess of those at Rusk, owing to the fact, as your committee were informed by the resident physician, Dr. Bush, and Superintendent Goree, that this prison was made the receptacle for all convicts discharged from farms and other contract camps, incapable from disease or injuries for the labor required by them, and were returned to this prison for medical treatment. The dispensary seems supplied with medicines and other medical appliances necessary, where are compounded various tonics, etc., for distribution to the camps and farms. This department is presided over by a convict, under the direction and control of Dr. Bush, who seems vigilant and watchful in the discharge of the duties assigned him.

As at Rusk, your committee gave all convicts desiring to make complaints an opportunity to do so. Quite a number came forward. Your committee found the complaints the same character as at Rusk.

Managers and guards were examined, under oath, upon these charges, and while your committee believe that in some few instances the punishment may have been inflicted upon false accusations yet, it is a matter very difficult to determine. The records kept for the purpose in the superintendent's office disclose the name of each convict punished, character of punishment, cause of same, and by whose authority inflicted. And it is the opinion of your committee that where such a positive system is adopted but few overt acts or unjust punishments on the part of the management can occur, each individual case as stated to us by managers under oath being inquired into fully before punishment is inflicted.

The surroundings of this prison appears as cleanly as its crowded condition will permit, being limited in space and so many character of industries, having for many years been added to to supply buildings for increased industries.

This prison does not prepossess the

observer as at Rusk, owing to its age and crowded condition.

Your committee inspected the cells closely and found them to be clean and comfortable.

As per instructions in concurrent resolution, your committee examined into the sanitary condition of the prison and are satisfied that some improvement is necessary: We found no avenue for the proper carrying off the garbage or other refuse matter by a system of sewerage. The system adopted at present is not only expensive but laborious, such refuse being carted several miles in close barrels, which requires the constant labor of one convict and a yoke of oxen, passing daily through the city, a seeming annoyance and discomfort to the citizens.

Your committee were waited upon by a committee of citizens of Huntsville, consisting of the mayor, county judge and several resident physicians, who claimed that the epidemic of typhoid fever that raged in their midst during the fall was solely due to the unsanitary condition or lack of proper sewerage of this prison. Your committee were to some extent surprised with their arbitrary manner, particularly that of the mayor, who it seems appeared inclined to demand at the hands of the State a thorough system of sewerage running through the entire city to a natural reservoir, about one and a half miles from its corporate limits. After considerable discussion your committee were unable to arrive at a proper solution of the question, and while admitting that some steps are necessary in this direction; yet, are unwilling to saddle the whole responsibility upon the State, in erecting a complete system of sewerage for the city of Huntsville.

Your committee, therefore, recommend that the Penitentiary Board be instructed to visit the Huntsville prison and examine fully into this question, and devise the best and most economical plan for securing a proper remedy of this evil by sewerage or otherwise.

Your committee visited the State farm known as Wynne's, located two miles northwest of Huntsville, and found the farm in good condition, convicts comfortably quartered, fed and clothed, and upon examination, heard no complaints. Many convicts expressed their preference for farm labor over confined prison life.

The products of this farm and its adjunct, the Johnson farm, your committee are informed by the financial

agent, were ample to supply the clothing, beds and bedding of the entire penitentiary system and forage sufficient to make the crop of 1889, also forage and vegetables required at the Huntsville prison.

The sub-committee appointed at Rusk to examine the books of the financial agent at Rusk and Huntsville prisons respectfully submit the following:

Your committee beg to report as to the system of keeping accounts of the finances of the State prisons:

First. A careful examination of the books at Huntsville and Rusk penitentiaries shows the same to be kept in a business-like manner, and we find no cause to complain. Much time would be required to examine minutely into all the business transactions in connection with the various industries of the State prisons and farms and convict labor contracts, and your committee limited their investigations to a general observation of the manner of keeping the accounts, going into detail in several instances; however, to verify certain entries, finding each time everything readily explained and vouchers on file where necessary. We believe the system of bookkeeping is complete, and we commend the careful, painstaking and satisfactory manner in which all accounts, with the various sources of revenue, are kept.

Your committee's attention at Rusk was called to the fact that the late Assistant Superintendent, Wm. Neal Ramey, had left his office without delivering to anyone the keys of a safe in which were kept the moneys of convicts which were deposited with such officer by them on entering the prison. On examination of the books of account of such officer with the convicts for such moneys, there appeared to be due the convicts the sum of two thousand nine hundred and forty-five dollars and fifty cents.

Under the direction of the Superintendent of Penitentiaries, the said safe was opened by force and the sum of four thousand and fifty-two dollars was found, revealing a shortage of such funds, according to the books, of two thousand four hundred and ninety-three dollars and fifty cents.

The books referred to in nowise appertain to the financial agent's books, being separate and distinct, and kept by the assistant superintendent, as are all other personal accounts of the convicts.

The fact was further disclosed to

your committee that there was due a certain convict two hundred and fifty dollars, which amount was borrowed from the convict by the assistant superintendent, Wm. Neal Ramey, and a promissory note given for same, which amount your committee were informed is still due and unpaid.

The further sum of ninety-nine dollars and thirty-four cents for supplies purchased at Rusk for certain convicts, the items charged to them on their account but the purchase money still due and unpaid. The shortage referred to above is secured to the State by a bond exacted by the Penitentiary Board of said assistant superintendent.

Your committee find further that the Penitentiary Board, in view of the apparent shortage of moneys due the convicts, directed the financial agent to make good the sums out of any moneys in his hands belonging to the State, and we would recommend that such act be ratified by the Legislature.

Your committee left Huntsville the night of the 5th of February and arrived at Harlem plantation, Fort Bend county, next day at 1 p. m.

#### HARLEM PLANTATION.

This plantation contains about two thousand seven hundred and sixty-eight acres, is well drained and fenced, with improvements erected thereon, consisting of substantial prisons and necessary guard houses; also a large well equipped brick sugar mill. Number of convicts employed one hundred and sixty-nine. This farm produced last year 1,014,000 pounds of sugar, 65,000 gallons of molasses, 275 bales of cotton, 16,000 bushels of corn and 4000 pounds of fodder, and potatoes, hay and oats to the value of \$1150.

The estimated net value of	
crop for 1887, . . . . .	\$13,404 14
Crop for 1888, . . . . .	51,276 05

Total net profit for 2 years, \$64,680 19

Your committee are pleased to report that upon a thorough examination of the convicts we heard but few complaints, trivial in their nature.

The same opportunity was given them as at Rusk and at Huntsville to make complaints.

The prison dining hall and culinary departments were minutely inspected, and were found to be as cleanly and comfortable as could be expected, the character of labor considered. The

provisions were found well cooked and in abundance, and fully up to the requirements.

In our examination of convicts we found none that wished to return to confined prison life.

The doctor's report of this day shows ten on the sick list, only two of the number, however, with fevers, the balance afflicted with private diseases, sore eyes and fractures. Five of the number had been ordered to be transferred to Huntsville for medical treatment.

Your committee learned that the convicts worked on this farm are ninety per cent second and third class hands, just such as are declined to be received on contract farms or railroads.

The large and valuable crops made on this farm with this character of labor is a very flattering testimonial to the State farm system.

Your committee next day visited the plantations of Col. Cunningham and Ellis, and upon rigid investigation are constrained to report that convicts are well fed and clothed and humanely treated—in fact heard no complaints.

The convicts employed on these two places are as follows:

E. H. Cunningham . . . . .	153
C. A. Ellis . . . . .	178

Your committee found employed on these places several ex-convicts, white and colored, whom we placed under oath to arrive at, if possible, the true state of facts as to treatment, etc. Said parties testified that the convicts were well fed and humanely treated, and that punishments were not frequent, and when inflicted were by proper authority of the inspector, and for some violation of prescribed rules. The prisoners' kitchen and dining hall were also inspected and found to be as clean and comfortable as the nature of their employment would permit. Convicts appeared cheerful, and few, if any, desirous of returning to confined prison life.

Your committee left the Fort Bend plantations on the afternoon of the seventh, and took the night train at Houston for Hearne. En route your committee agreed, in order to save time, to divide forces, which was done, as follows:

The chairman appointed Messrs. Parker and Johnson, the chairman to accompany them, to visit the Lewis farm, and Messrs. Campbell and Brown to visit the Rogers farm, and Representative McGehee and Clerk

Fontaine to visit the State reformatory at Gatesville. Your committee are pleased to report that they found the convicts at these farms well fed and clothed and comfortably quartered. We heard but few complaints, and as a rule prisoners were satisfied with their treatment; and, as at other places, the preference was given to farm labor over prison life inside the walls.

Owing to the dreadful condition of the roads your committee ceased their labor at these points, finding it impossible to go in a body to the different places left unvisited, but from the result of their examinations at five different farms are forced to presume that the convicts let out by contract elsewhere are well fed and clothed and otherwise properly cared for.

Number of convicts at Rusk and Huntsville penitentiaries, farms and other convict camps:

Huntsville and farms . . . . .	723
Rusk and coaling camp . . . . .	872
Ball, Hutchins & Co. farm . . . . .	60
E. H. Cunningham . . . . .	153
L. A. Ellis . . . . .	178
Darrington. . . . .	58
H. R. Hearne. . . . .	55
T. W. House. . . . .	60
H. L. Lewis . . . . .	120
W. W. Watts farm, . . . . .	47
H. K. White, . . . . .	56
R. J. White, . . . . .	70
Ed Wilson, . . . . .	54
Rogers & Hill share farms, . . . . .	113
William Hearn, . . . . .	113
State farm (Harlem), . . . . .	169
G., H. and S. A. R. R., 1 railroad contract, . . . . .	58
G., H. and S. A. R. R., 2 railroad contract, . . . . .	60
G., H. and S. A. R. R., 3 railroad contract, . . . . .	60
I. and G. N., 4 railroad contract, . . . . .	53
I. and G. N., 2 railroad contract, . . . . .	53
M., K. and T., No. 1, . . . . .	56
M., K. and T., No. 2, . . . . .	51
H. and T. C., . . . . .	50

3342

With reference to that portion of concurrent resolution that requires your committee to report as to the practicability of confining all convicts within the prison walls, the additional room necessary, the best manner of constructing same and probable cost, so as to prevent escapes and competition with honest labor, is in the minds of your committee, in part rather a difficult problem for solution.

Your committee has given this sub-

ject much consideration and have faithfully surveyed every avenue that in their opinion would lead them to a correct solution.

The latest legislative declaration of a policy on this subject is contained in chapter XCV, section 4, general laws of the Nineteenth Legislature, which reads as follows:

"It shall be the duty of the Penitentiary Board to confine all convicts within the walls of the penitentiary as soon as suitable prisons can be provided for their confinement and employment in such manner that they will be self supporting, and until adequate provision is made for such confinement and employment of convicts, they may be employed as provided in section 3 of this act; provided, that the penitentiary board may at any time, if they deem it advisable, purchase a penitentiary farm or farms, upon which all convicts not self supporting may be worked by the State."

The late Democratic State convention adopted a declaration favoring the confining of convicts within the walls, and demanding of the Legislature to provide additional penitentiaries for this purpose.

Prison managers and ex-employees have been interviewed by your committee on this subject, and the lowest estimated cost for so doing will necessitate an outlay of at least seven hundred and fifty dollars per capita, or something near one million and a half of dollars; that is to confine all the convicts now on hand and furnish the facilities for remunerative employment. This calculation makes no provision for the increase which in the last two years has been four hundred and forty-three. The two penitentiaries, notwithstanding the outside distribution of convicts, are now nearly or quite filled to their capacity, and, in the language of Superintendent Goree, your committee are forced to reiterate that the necessity that existed four years ago is intensified by the large and continued increase since that time. On your committee's return to Austin they invited the Penitentiary Board to meet with them. A free conference was had, and the vexed question as to the practicability of confining all the convicts within the prison walls, so as to make them self-supporting without antagonizing honest labor, was discussed in all of its bearings, and your committee are forced to the conclusion that the question of non-competition with honest labor is next to impossible. Every production, whether from the

soil or skilled manufacture, more or less conflicts with honest labor when such production is the result of convict labor, but of the two your committee are satisfied that the former is least objectionable. The latter will entail an immense outlay by the State, with no positive guarantee of final remunerative success.

#### RECOMMENDATIONS.

Your committee would respectfully make the following recommendations concerning the Texas penitentiaries:

We recommend that a board of pardons should be established, composed of three citizens of the State of Texas, whose duty it shall be to visit every three months the penitentiaries, farms and camps, wherein convicts are worked in this State, and after careful examination recommend to the Governor the names of any and all convicts whom they may think proper subjects for pardons.

We recommend that parties confined in the penitentiaries suffering from incurable diseases and nearing death's door, may, on the recommendation of the resident physician, approved by the superintendent, where said convicts have friends who will take and provide for them, shall be pardoned out of the penitentiaries.

We recommend that the sum of sixty-two thousand and seventy-five dollars be appropriated, to be expended at Rusk penitentiary in fully equipping the machine shop with necessary machinery to enable the working of at least three hundred or more convicts at remunerative employment, within the walls.

We recommend that the State take some action towards securing a railroad, of standard gauge, from Rusk penitentiary to the Missouri Pacific railway connections, in case satisfactory terms for transportation cannot be made with the road now running to Rusk.

We recommend that the salary of the physicians at Rusk and Huntsville penitentiaries be increased from seven hundred and fifty dollars to one thousand two hundred dollars per annum.

We recommend that a law be enacted, requiring assistant superintendents to give a good and sufficient bond for the safe keeping of convicts' funds deposited with them by convicts on entering the prisons.

We recommend that the sum of \$5000, or so much thereof as is necessary, be appropriated for the purpose

of getting rid of the the garbage at the Huntsville and Rusk penitentiaries by sewerage or otherwise.

We recommend that the bill now pending before the Legislature providing for the purchase of a State farm upon which to work convicts do pass.

#### STATE PENITENTIARIES.

*Dr.*

To amount appropriated by Seventeenth Legislature at called session, to settle with lessees, . . .	\$40,000 00
To amount appropriated by Eighteenth Legislature, regular session, to enable board to settle with lessees in case of resumption . . .	50,000 00
To amount of appropriation by Eighteenth Legislature, regular session, to enable State to resume control of penitentiaries and operate on State account, . . .	100,000 00
To amount appropriated by Eighteenth Legislature, regular session, to purchase library at Rusk, . . .	500 00
To amount appropriated by Nineteenth Legislature, regular session, to make up deficiency in monthly expenses, . . .	75,000 00
To amount appropriated by the Nineteenth Legislature, regular session, to purchase material to carry on industries, . . .	75,000 00
To amount appropriated by the Nineteenth Legislature, regular session, for the development of iron industry at Rusk, . . .	50,000 00
To amount appropriated by the Nineteenth Legislature to replenish library, . . .	500 00
To amount appropriated by the Nineteenth Legislature, regular session, to pay James Harding, old guard claim, 1868 and 1869, . . .	767 31
To amount appropriated by Twentieth Legislature, regular session, to make up deficiency in monthly expenses, . . .	60,000 00
To amount appropriated by Twentieth Legislature, regular session,	

to purchase material to carry on industries . . .	60,000 00
To amount appropriated by Twentieth Legislature, regular session, to purchase land for coaling purposes . . .	25,000 00
To amount drawn from Comptroller by Financial Agent Brahan against deposits made by him from June, 1884, to April, 1885. . . .	50,000 00
To amount appropriated by Twentieth Legislature, regular session, to repair sugar machinery on State farm. . . .	2,500 00
To amount appropriated by Twentieth Legislature, regular session, to purchase literature for convicts . . . .	500 00
To amount proceeds convict labor from May 16, 1883, (day of resumption by State) to October 31, 1884, as per Exhibit C., Financial Agent Brahan's report . . . .	524,242 45
To amount proceeds convict labor from November 1, 1884, to October 31, 1886, as per Exhibit A., Financial Agent Brahan's report . . . .	778,530 53
To amount proceeds convict labor from November 1, 1886, to October 31, 1888, as per Exhibit A., Financial Agent Parish's report . . . .	1,055,795 44
	<u>\$2,948,335 73</u>

#### *State Penitentiaries.*

1883.	<i>Cr.</i>
May 29, by amount paid Cunningham & Ellis by Penitentiary Board on expiration of lease, being for excess in value of property turned over to lessees by State when lease was made. See books Penitentiary Board . . . .	\$59,724 42
May 29, by amount paid Morrow, Hamby & Co., lessees of Rusk Penitentiary, on settlement for property received from by State at expiration of lease. See books of Penitentiary Board . . . .	12,719 56

May 29, by amount paid Larmour & Guinn for services taking inventory. See books Penitentiary Board . . . . .	173 00
July 17, by amount paid Cunningham & Ellis for Wynne farm (1900 acres) . . . . .	21,000 00
July 17, by amount expenses for salary, etc., Penitentiary Board for two years . . . . .	1,991 26
July 17, by amount disbursed by Financial Agent Brahan, from May 16, 1883, to October 31, 1884, as per exhibit D, his report . . . . .	519,242 45
By amount deposited with Comptroller by Financial Agent Brahan, March, 1883, as per exhibit D, his report, . . . . .	50,000 00
By amount expended by Financial Agent Brahan for Library at Rusk penitentiary, November 2, 1883, as per Comptroller's book, page 277, . . . . .	500 00
By amount disbursed by Financial Agent Brahan from November 1, 1884, to October 31, 1886, as per exhibit B, his report, . . . . .	956,547 84
By amount disbursed by Financial Agent Parish, from November 1, 1886, to October 31, 1888, as per exhibit B, his report, . . . . .	1,226,212 10
By amount appropriated undrawn now in Treasury to purchase books for convicts, . . . . .	250 00
By cash on hand Nov. 1, 1888, as per exhibit B, Financial Agent Parish's report, . . . . .	30,583 34
By amount undrawn of the appropriation made by the Eighteenth Legislature of \$100,000, . . . . .	69,391 76
	<hr/>
	\$2,948,335 73

*State Penitentiaries. Dr.*

To total amount of appropriation of Seventeenth, Eighteenth and Nineteenth and Twentieth Legislatures, used since resumption by the State

of control of the penitentiaries . . . . .	\$539,767 31
<i>State Penitentiaries. Cr.</i>	
By amount undrawn of the appropriation made by the Eighteenth Legislature . . . . .	\$69,391 76
By amount cash on hand November 1, 1888, as per Exhibit B, Financial Agent Parish's report . . . . .	30,583 34
By amount undrawn of appropriation made to purchase books for convicts, which is now in Treasury . . . . .	250 00
By balance . . . . .	439,542 21
	<hr/>
	\$539,767 31
<i>Dr.</i>	
To balance used by management since May 16, 1883, . . . . .	\$439,542 21
Amount to balance, . . . . .	348,762 99
	<hr/>
	\$788,305 20
<i>Cr.</i>	
By amount invested in Wynne farm, . . . . .	\$21,000 00
By amount invested in permanent improvements, from May 16, 1883, to October 1, 1884, as per Exhibit D, Financial Agent Brahan's report, . . . . .	32,281 15
By amount invested in live stock, as per Agent Brahan's report, Exhibit D, 1883 and 1884, . . . . .	3,819 00
By amount invested in gin house, gin stand, cotton press, etc., as per Financial Agent Brahan's report, Exhibit H, . . . . .	1,510 05
By amount invested in permanent improvements from November 1, 1884, to October 31, 1886, Financial Agent Brahan, as per Exhibit I, . . . . .	56,508 00
By amount paid for real estate by Financial Agent Brahan, as per Exhibit C, his report, . . . . .	40,318 12
By amount invested in live stock by Financial Agent Brahan, as per Exhibit C, his report, . . . . .	17,426 11
By amount invested in permanent improvements by Financial Agent Parish, as per Exhibit C, his report, . . . . .	90,424 32



By amount invested in live stock by Financial Agent Parish, as per Exhibit C, his report, . . . 13,347 55

By amount invested in real estate by Financial Agent Parish, as per Exhibit C, his report, . . . 28,956 35

By amount goods, wares and merchandise, bills receivable and personal accounts, etc., on hand November 1, 1888, as per Exhibit J, financial agent's report, . . . 477,714 17

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\$783,305 20

Cr.

By balance, . . . . . \$343,762 99

By amount paid out for transporting convicts to prison, Financial Agent Brahan's report, Exhibit D, . . . . . 34,117 50

By amount paid for transporting convicts, as per Financial Agent Parish's report, Exhibit D, . . . 7,162 35

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By amount profits since May 16, 1883, . . . . \$385,042 84

NOTE—In case the permanent improvements and all other properties acquired since resumption, could be sold at cost price, the penitentiary management could refund to the State all the appropriations since resumption by the State, and have the above amount, say \$385,042 84, as clear profit.

#### NET PROFITS ON CONVICT LABOR.

On twelve different farms using 903 first class able-bodied convicts, the net earnings, as per Financial Agent Parish's report, Exhibit E, was per month per hand, \$7.55.

#### *Railroads.*

On five different railroad contracts using 238 first class able-bodied white and Mexican convicts, the net earnings per hand per month shows to be as per Exhibit G of Financial Agent Parish's report, \$8.74.

#### SHARE FARMS.

On the William Hearne farm, operated by shares, there were used one hundred and twenty-eight second-class negro convicts, whose net earnings were as per exhibit H, Financial Agent Parish's report, \$6.50.

On the Rogers farm there were one hundred and ten second class negro convicts, whose net earnings was, as exhibit H of Financial Agent Parish's report, \$11.97.

#### *State Farm (Wynne.)*

On the Wynne farm, owned and operated on State account, there were forty-nine medium class, white and colored convicts used, whose net earnings were as per exhibit H of Financial Agent Parish's report, \$14.07.

#### *Harlem Farm. Cr.*

By total value of crops for two years, as per Exhibit H, Financial Agent Parish's report . . . . . \$122,547 61

Dr.

To expenses for guarding, feeding, clothing, medicines, medical bills and transportation, as per Exhibit H, Financial Agent Parish's report . . . \$57,867 42

To wages of one hundred and twenty-nine second-class convicts, at the greater amount earned outside, \$8.74 per hand per month . . . . . 27,059 04

To interest at 8 per cent on \$45,990.26, first year . . . 3,679 22

To interest at 8 per cent on \$118,640.75, second year. . . 9,491 26

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\$98,096 94

Amount clear profit for two years . . . . . \$24,450 67

It will be seen by examination of the above statements that the net profits to the State on each of the four different methods of employing convicts outside of the walls are as follows: On those hired to farmers \$7.55 per capita per month; on those hired to railroad companies, \$8.74; on those worked on shares on the Rodgers farm, \$11.07; on those worked on the Wynne farm, owned and operated by the State, \$14.07; on those worked on the Harlem farm, owned and operated by the State, to say nothing of the interest on the investment, \$20.88 per capita per month. The above calculation and financial exhibit is the result of several days' labor of one of our committee, Mr. A. J. Brown of Johnson county, by a thorough and accurate examination of the account as shown by the books and records on file in the office of the Penitentiary Board.

We cannot conclude this report

without paying a merited tribute to the efficiency, earnestness and energy of the secretary, Mr. H. B. Fontaine, who accompanied us in this tour of investigation and inspection. He has faithfully noted the result of each day's investigation, and in an obliging, painstaking way, materially aided the committee in this investigation, and in a great measure facilitated their efforts to comply with the demands of the resolution under which they acted.

Respectfully submitted,

W. W. DAVIS,  
Chairman.

R. H. MORRIS,  
E. A. ATLEE,  
GEO. T. MCGEEHEE,  
Chairman House Committee.

A. J. BROWN,  
JOE A. JOHNSON,  
W. L. CAMPBELL.

Hon. J. W. Parker dissenting:

In dissenting from the report of the majority, I do not desire to be understood as denying or contradicting said report in full; but as there are embraced in said report statements and recommendations that I cannot subscribe to.

I therefore shall avail myself of the privilege of reporting our visit and investigation from an individual standpoint. This is done with due deference to the opinion of the gentlemen who sign the majority report.

J. W. PARKER.

Upon motion Mr. McGehee's report of his examination and inspection of the State reformatory at Gatesville was made an appendix to this report.

#### EXHIBIT A.

Estimated cost of machine shop for Rusk penitentiary:

One building 200 feet by 50 feet by 20 feet, . . . . .	\$5,400 00
One cylinder boring and facing machine, . . . . .	2,975 00
One 10-ft. boring and turning mill, . . . . .	5,850 00
One 4-ft. boring and turning mill, . . . . .	1,650 00
One No. 4 horizontal boring and drilling machine, . . . . .	3,480 00
One 25-inch shaping machine, . . . . .	900 00
One 10-inch shaping machine, . . . . .	500 00
One milling machine, . . . . .	1,500 00
One milling machine grinder, . . . . .	350 00
One slotting machine, . . . . .	1,800 00
One automatic gear cutting	

machine, . . . . .	1,200 00
One cutting and centering machine, . . . . .	800 00
Two emery grinding machines, . . . . .	1,100 00
One 42-inch screw cutting engine lathe . . . . .	4,100 00
One brass finisher's lathe. . . . .	950 00
One 30-inch engine lathe . . . . .	2,500 00
One 20-inch engine lathe . . . . .	1,700 00
One tap lathe . . . . .	1,000 00
One special shafting lathe. . . . .	3,500 00
One 54-inch planer . . . . .	4,700 00
One 17-inch planer . . . . .	900 00
One five-foot radical drill . . . . .	2,000 00
One key way cutter . . . . .	1,000 00
One 600-pound steam hammer . . . . .	1,225 00
One bolt cutter . . . . .	550 00
Travelers and cranes . . . . .	4,000 00
Line shafting . . . . .	550 00
Line shafting hangers . . . . .	560 00
Line shafting compression couplings . . . . .	225 00
Line shafting pulleys . . . . .	720 00
Counter shafts . . . . .	250 00
Counter shafts, hangers . . . . .	300 00
Counter shafts, pulleys . . . . .	550 00
Belting, . . . . .	950 00
Complete set twist drills, reamers and sockets, . . . . .	515 00
One twist drill grinding machine, . . . . .	200 00
One set standard caliper gauges, . . . . .	200 00
One set taps and dies, . . . . .	130 00
One set gas fitters' tools, . . . . .	175 00
Twenty-five machinists' vises, . . . . .	450 00
Ten hand drilling ratchets, . . . . .	170 00
Miscellaneous tools, hammers, gauges, calipers, . . . . .	500 00

\$62,075 00

*Hon. W. W. Davis, Chairman of Joint Committee to visit and report on the Penitentiaries, etc.:*

SIR—I, as a committee of one appointed by your joint committee to visit and report on the condition, management, etc., of the House of Correction and Reformatory, beg leave to make the following report:

Accompanied by the clerk of your joint committee, Mr. H. B. Fontaine, I arrived at Gatesville on the 9th instant and was taken immediately to the institution by the superintendent, Captain B. E. McCulloch.

I found the buildings substantial, of modern style, and furnished with all the late improvements for, heating, lighting, drainage, etc., with sufficient room for two hundred inmates.

The entire buildings and grounds bore such marks of neatness and clean-

liness as are seldom found in institutions of this character.

The engine, engine house, laundry and workshops all appeared to be ample and well adapted for their intended use.

There is a well in the yard near the engine house nine hundred and ninety-two feet deep, the water standing within thirty-five feet of the surface of the ground.

It is unfortunate that this well was not tested before the expense of nearly two thousand dollars was incurred in boring a second well several hundred yards from the buildings. Although a good flowing well was obtained, yet it was too far from the premises to be of much benefit.

After Capt. McCulloch took charge of the reformatory he placed a large steam pump in the mill, near the engine house, and found that the supply of water was ample for the purposes.

There is now a stand pipe that holds three thousand gallons of water, which if raised to the height of sixty feet and kept pumped full would afford water for fire protection and all other necessary purposes. It could be done at a cost of about two thousand dollars, and in the judgment of your committee, both prudence and economy dictate an appropriation for that purpose.

I found twenty-five boys in the reformatory, about one-half of whom were in the school room, which is furnished with desks, blackboards, etc., of the most improved style. The remainder of the boys were at work—some building fence and doing other farm work, while others were cooking and doing the usual work necessary to be done about an institution of this kind.

I was impressed with the cheerful and neat appearance of these unfortunate boys, and was more than ever before impressed with the great good that may result to the State and society by taking these outcasts, as it were, and, through proper discipline, turn their feet from the paths of sin and vice, and in due time send them forth into the world with elevated ideas and honest aims that will in the future enable them to withstand the temptations and disappointments of life.

Captain McCulloch and his noble wife have the success of the institution at heart, and I can but express the belief that the wholesome restraint and christian influences thrown around the inmates will be attended

with untold good, and that the people's money necessarily spent in the establishing and maintaining of this reformatory will be as bread cast upon the waters that will be gathered up by them in the years to come.

I find that the superintendent has teams and tools enough for farm purposes; that he has run a division fence, cutting off some three hundred acres of the tillable land from the pasture named; that he has considerable grain sown and is preparing corn land, and expects to get a respectable acreage planted in cotton.

He has set out five hundred and fifty fruit trees, and has six acres of land well prepared for a garden.

I feel it my duty to report to your committee, that in my judgment the price paid for this land, to-wit: six hundred and ninety-six acres, at fifteen dollars per acre, was too much, taking into consideration the fact that there were no improvements on it whatever; only about three hundred acres of it tillable, with only twenty-five or thirty acres of woodland and no permanent water. Whereas, the law authorizing the purchase of this land required that these indispensable items should be taken into consideration.

By reference to the report of the board of trustees you will find that they recommend the purchase of three hundred and twenty acres of land possessing all these requisites, which can be bought, as they are informed, for six or seven dollars per acre; and yet this tract lies adjoining the reformatory survey.

The item of water has been overcome by the wells. The land may meet the necessities of the institution for some years to come, but wood will have to be provided.

Those that are best prepared to judge think by the end of this year there will be some seventy-five inmates, and in the course of the next two years they will have increased to at least one hundred and fifty.

The State has a good plant here that has cost considerable money, and I feel that it would be wisdom on the part of the Legislature to foster the institution by appropriating enough money for its economical support for the next two years.

Respectfully submitted,  
GEO. T. MCGEEHEE.

On motion of Senator Burges  
The Senate adjourned till 10 o'clock to-morrow morning.